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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION  
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SARAH ARONSON, M.D.,                     )  
                    Plaintiff,                     )

                    v.                     )

CASE NO. 1:10-CV-00372  
JUDGE BOYKO

UNIVERSITY HOSPITALS OF                     )  
CLEVELAND,                     )  
                    Defendant.                     )

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DEPOSITION OF DAVID WALLACE, M.D.

Thursday, December 23, 2010  
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The deposition of DAVID WALLACE, M.D., a Witness  
herein, taken by the Plaintiff as if upon examination under  
the Ohio Rules of Civil Procedure, before me, Mary C. Peck,  
a Stenographic Reporter and Notary Public within and for the  
State of Ohio, at the offices of Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C., Key Tower, 127 Public Square, Suite  
4130, Cleveland, Ohio, commencing at 9:00 a.m., the day and  
date above set forth.  
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1 Aronson her performance?

2 A Yes.

3 Q What did you say to her about her performance?

4 A Basically I had all of the different interactions  
5 that we had had, and at this point, she was past what  
6 would have been the normal date of matriculation for  
7 her when she first started in Clinical Anesthesia  
8 because she had received an unsatisfactory for the  
9 prior six-month period. And based on the evaluation  
10 information that I had, I told her that I didn't  
11 think she was probably going to get a satisfactory  
12 for the six-month period from January of '09 through  
13 June of '09.

14 Q Before you said that to Doctor Aronson, had you  
15 shared that opinion with Doctor Norcia?

16 A We had talked about Doctor Aronson's performance on  
17 many, many occasions whenever we would get some  
18 evaluation information, because at the end of the  
19 six-month period, for all residents, we have to fill  
20 out that ABA Clinical Competency Report, and in order  
21 to do that for someone to have a successful  
22 completion of that six-month credit, all answers have  
23 to be answered as a satisfactory. If there's a  
24 single one that's unsatisfactory, then the whole  
25 six-month period gets an unsatisfactory result.

1           about the lack of appropriately rapid response was of  
2           primary concern?

3           A     I would say that I either wrote it or helped write it  
4           in this letter, yes.

5           Q     But you don't believe it to be accurate?

6           A     Well, it was a primary concern. It's true. That was  
7           a primary concern. There were other concerns and  
8           there were other -- this was a resident evaluation  
9           for a time period, so it was for more than -- when  
10          you say the primary concern, there was other reasons  
11          that we were meeting with her besides just that to  
12          address that issue. But that was a primary concern.

13          Q     What other concerns were you discussing?

14          A     Her inability to appreciate clinical situations or  
15          not processing and reacting to information, and  
16          another probably even greater concern was her  
17          inability to identify reasons for not being able to  
18          respond when she would agree that a response should  
19          be done.

20          Q     And all of those things are addressed in the document  
21          that's Exhibit 31, right?

22          A     Yes. I believe.

23          Q     And so you raised these issues with Doctor Aronson  
24          during the meeting, right, during the October 14th  
25          meeting?

1 Q Why did you leave all the check boxes below that  
2 blank?

3 A I checked Tier 1 and I put in my comments that I felt  
4 was appropriate.

5 Q Was Doctor Aronson exhibiting impaired functioning?

6 A Sure.

7 Q Why didn't you check off impaired functioning?

8 A I guess I felt that my description was more specific  
9 than these generalized check-offs.

10 Q Did you think checking off impaired functioning would  
11 be in any way inconsistent with your description?

12 A Not necessarily.

13 Q And the only reason you left impaired functioning  
14 blank was because you thought that your description  
15 would be sufficient; is that accurate?

16 A The description here was sufficient to get the  
17 process started.

18 Q Have you ever provided any information in response to  
19 any inquiry about Doctor Aronson seeking employment  
20 after her residency?

21 A I believe I have.

22 Q Okay. Were you aware that in December of 2008 she  
23 was in the process of obtaining a job with Sheridan  
24 Healthcare in Florida?

25 A In December of 2008, I might have been generally

State of Ohio,                    )  
                                      )SS:        CERTIFICATE  
County of Cuyahoga,            )

I, Mary C. Peck, a Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the above-named DAVID WALLACE, M.D. was by me, before the giving of his deposition, first duly sworn to testify the truth, the whole truth, and nothing but the truth;

That the deposition as above set forth was reduced to writing by me by means of stenotypy, and was later transcribed upon a computer by me;

That the said deposition was taken in all respects pursuant to the stipulations of counsel herein contained; that the foregoing is the deposition given at said time and place by said DAVID WALLACE;

That I am not a relative or attorney of either party or otherwise interested in the event of this action.

That I am not nor is the court reporting firm with which I am affiliated under a contract as defined by Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and seal of office, at Cleveland, Ohio this 10th day of January, A.D. 2011.

Mary C. Peck, Notary Public

My commission expires December 30, 2011